

The Risk Takers

P.O. Box 576626, Modesto, CA 95357 (209) 577-4373

January 23, 2002

Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530

VIA FACSIMILE
(202) 616-9937

Dear Ms. Hesse:

I am writing the courts to counter some of the arguments made by Microsoft's competitors that the proposed settlement does not go far enough in punishing Microsoft. I believe that the settlement is extremely fair and should be supported. I also believe that accepting the settlement is much better than the alternative; continued litigation.

I have reviewed a paper written by Robert Hahn of American Enterprise Institute and agree with his arguments on this matter. Mr. Hahn gives compelling economical reasons for the country and the Court to choose to accept this settlement rather than go through even more litigation.

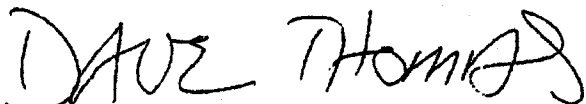
One reason to accept the settlement is that Plaintiff's may lose some of the concessions Microsoft gave in the settlement. To end this case, Microsoft was willing to compromise on important issues. Rejecting the settlement may jeopardize those concessions.

Mr. Hahn also makes the point that there are too many working Americans who have a stake in this settlement. The millions of people who work for independent software and hardware companies selling computers with Microsoft products, all have something to gain from this settlement. Continuing their economic uncertainty through prolonged litigation is unfair and irrational.

The final point is that the settlement truly addresses the acts ruled to be anticompetitive by the Court of Appeals. Those issues introduced by Judge Thomas Penfield Jackson that may not be addressed in this settlement were primarily vacated by the Court of Appeals. The real problems—that conduct found to be anticompetitive by the Court of Appeals—are dealt with in the proposed settlement. In other words, the settlement is comprehensive according to prior judgments.

The Court should approve the settlement in the case against Microsoft. It is in the best interest of this country.

Sincerely,



DAVE THOMAS
Owner

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